

114TH CONGRESS  
2D SESSION

# H. R. 6448

To establish the National Wildlife Corridors System to provide for the protection and restoration of native fish, wildlife, and plant species and their habitats in the United States that have been diminished by habitat loss, degradation, fragmentation, and obstructions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2016

Mr. BEYER introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Armed Services, Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish the National Wildlife Corridors System to provide for the protection and restoration of native fish, wildlife, and plant species and their habitats in the United States that have been diminished by habitat loss, degradation, fragmentation, and obstructions, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Wildlife Corridors Conservation Act of 2016”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Establishment of National Wildlife Corridors System.
- Sec. 4. Administrative designation of National Wildlife Corridors.
- Sec. 5. Protection and management.
- Sec. 6. Conservation support.
- Sec. 7. National native species habitats and corridors database.
- Sec. 8. Wildlife Corridors Stewardship and Protection Fund.
- Sec. 9. Protection of Indian tribes.
- Sec. 10. Definitions.
- Sec. 11. Relationship to other conservation laws.
- Sec. 12. Authorization of appropriations.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) America’s native fish, wildlife, and plant  
9 species are part of our rich natural heritage and an  
10 important legacy to pass on to future generations.

11 (2) Populations of many native fish, wildlife,  
12 and plant species in the United States are declining.  
13 Scientists estimate that one in five animal and plant  
14 species in the United States is at risk of extinction  
15 and many species are declining in numbers.

16 (3) One of the greatest threats to the survival  
17 and diversity of many native fish, wildlife, and plant  
18 species in the United States is the loss, degradation,  
19 fragmentation, and obstructions of their natural  
20 habitats.

1           (4) The conservation of landscape corridors and  
2 hydrologic connectivity, where native fish, wildlife,  
3 and plant species and ecological processes can tran-  
4 sition from one habitat to another, is critical to con-  
5 serving native biodiversity and ensuring resiliency  
6 against impacts from a range of stressors.

7           (5) Climate change is a significant threat to na-  
8 tive fish, wildlife, and plants. Conserving, restoring,  
9 and establishing new ecological connections to facili-  
10 tate the shift of species into more suitable habitat is  
11 a key climate change adaptation strategy.

12           (6) Protecting landscape corridors and hydro-  
13 logic connectivity is a broadly accepted strategy to  
14 conserving native fish, wildlife, and plant species and  
15 ensuring ecosystem resilience, and it is typically one  
16 of the first steps in restoration and recovery plan-  
17 ning. For example, States have recognized the im-  
18 portance of connectivity in the Western Governors’  
19 Association policy resolution, “Protecting Wildlife  
20 Migration Corridors and Crucial Wildlife Habitat in  
21 the West”, and the Conference of New England  
22 Governors and Eastern Canadian Premiers’ resolu-  
23 tion recognizing the importance of ecological  
24 connectivity for the adaptability and resilience of  
25 their region’s ecosystems, biodiversity, and human

1 communities in the face of climate change. The  
2 United States Fish and Wildlife Service’s Strategic  
3 Plan for Responding to Accelerating Climate Change  
4 also acknowledges that “processes such as polli-  
5 nation, seed dispersal, nutrient cycling, natural dis-  
6 turbance cycles, predator-prey relations, and others  
7 must be part of the natural landscapes we seek to  
8 maintain or restore. These processes are likely to  
9 function more optimally in landscapes composed of  
10 large habitat blocks connected by well-placed cor-  
11 ridors.”. The Department of the Interior’s Public  
12 Land Policy for Implementing Mitigation at the  
13 Landscape-Scale includes “protecting and restoring  
14 core, unfragmented habitat areas, and the key link-  
15 ages among them.”. Federal and State policies con-  
16 tinue to be developed to address the importance of  
17 conserving fish, wildlife, and plant corridors and eco-  
18 logical connectivity.

19 **SEC. 3. ESTABLISHMENT OF NATIONAL WILDLIFE COR-**  
20 **RIDORS SYSTEM.**

21 (a) **ESTABLISHMENT.**—There is established a Na-  
22 tional Wildlife Corridors System to provide for the con-  
23 servation and restoration of habitats that support a diver-  
24 sity of ecologically associated native fish, wildlife, and  
25 plant species in the United States, including species pro-

1 tected under Federal law, that have experienced or may  
2 in the future experience habitat loss, degradation, frag-  
3 mentation, or obstructions of connectivity.

4 (b) PURPOSE.—The purpose of the System is—

5 (1) to provide long-term habitat connectivity for  
6 native fish, wildlife, and plant species for migration,  
7 dispersal, adaptation to climate and other environ-  
8 mental change, and genetic exchange;

9 (2) to restore ecological processes that have  
10 been disrupted by habitat loss, degradation, frag-  
11 mentation, or obstructions; and

12 (3) to facilitate coordinated landscape- and  
13 seascape-scale connectivity planning and manage-  
14 ment across jurisdictions.

15 (c) COMPONENTS.—The System shall consist of Na-  
16 tional Wildlife Corridors that are designated as part of  
17 the System by statute, rulemaking, or Federal manage-  
18 ment plan issuance, revision, or amendment.

19 (d) STRATEGY.—

20 (1) IN GENERAL.—Not later than 18 months  
21 after the date of the enactment of this Act, the Sec-  
22 retary of the Interior shall issue a strategy for the  
23 effective development of the National Wildlife Cor-  
24 ridors System that will ensure achievement of the  
25 purpose of the System, including consideration of

1 connectivity needs with respect to non-Federal lands  
2 and waters, achievement of effective coordination re-  
3 garding Corridors spanning multiple jurisdictions,  
4 and an approximate development timeline. The scope  
5 of Corridors to be designated may vary according to  
6 the habitat needs of individual or ecologically associ-  
7 ated native fish, wildlife, and plant species.

8 (2) CONSULTATION AND COORDINATION.—The  
9 Secretary shall develop the strategy—

10 (A) in consultation with the Secretary of  
11 Agriculture, the Secretary of Commerce, the  
12 Secretary of Defense, and the Secretary of  
13 Transportation; and

14 (B) in coordination with States, tribes, and  
15 existing landscape- and seascape-scale partner-  
16 ships, including the National Fish Habitat  
17 Partnership, National Ocean Policy regional  
18 planning bodies, Climate Science Centers of the  
19 Department of the Interior, and the Landscape  
20 Conservation Cooperative Network.

21 **SEC. 4. ADMINISTRATIVE DESIGNATION OF NATIONAL**  
22 **WILDLIFE CORRIDORS.**

23 (a) IN GENERAL.—

24 (1) RULEMAKING REQUIREMENT.—The Sec-  
25 retary of Agriculture, the Secretary of Commerce,

1 the Secretary of Defense, the Secretary of the Inte-  
2 rior, and the Secretary of Transportation shall each  
3 within two years after the date of the enactment of  
4 this Act, through a rulemaking, create a process for  
5 designating lands and waters under their respective  
6 administration and control as National Wildlife Cor-  
7 ridors in accordance with their land, water, and re-  
8 source management planning authorities.

9 (2) RULEMAKING AUTHORITY.—The Secretary  
10 of Agriculture, the Secretary of Commerce, the Sec-  
11 retary of Defense, the Secretary of the Interior, and  
12 the Secretary of Transportation may each issue such  
13 regulations as he or she considers appropriate to  
14 carry out this Act.

15 (3) FEDERAL LAND AND WATER MANAGE-  
16 MENT.—The Secretary of Agriculture, the Secretary  
17 of Commerce, the Secretary of Defense, the Sec-  
18 retary of the Interior, and the Secretary of Trans-  
19 portation shall consider designation of National  
20 Wildlife Corridors in processes for issuance, revision,  
21 or amendment of a management plan or plans for  
22 lands and waters under their respective administra-  
23 tion and control.

24 (b) CRITERIA FOR DESIGNATION.—Designation of  
25 land or water as a Corridor under this section—

1 (1) shall be based on the best available science;

2 (2) may consider information contained in gov-  
3 ernmental or nongovernmental assessments, plans,  
4 monitoring reports, studies, and other sources of rel-  
5 evant information, such as ecoregional assessments,  
6 nongovernmental reports, public transportation  
7 plans, State wildlife data and action plans, tradi-  
8 tional ecological knowledge, and relevant agency re-  
9 ports;

10 (3) shall be based on historic, current, or likely  
11 future use of the areas by one or more native fish,  
12 wildlife, and plant species continuously, annually, or  
13 periodically;

14 (4) shall support the connectivity, persistence,  
15 resilience, and adaptability of native fish, wildlife,  
16 and plant species by providing for—

17 (A) dispersal and genetic exchange between  
18 populations;

19 (B) range shifting, range expansion, or  
20 range restoration, such as in response to cli-  
21 mate change;

22 (C) seasonal movement or migration; or

23 (D) succession, movement, or recoloniza-  
24 tion following—

1 (i) a disturbance, such as fire, flood,  
2 drought, or infestation; or

3 (ii) population decline due to disease  
4 or previous extirpation; and

5 (5) shall be informed by the National Native  
6 Species Habitats and Corridors Geographic Informa-  
7 tion System Database established under this Act.

8 (c) DESIGNATION OF LAND OR WATER REQUIRING  
9 RESTORATION OR CONSOLIDATION OF HABITAT.—Land  
10 or water designated as a Corridor may consist of—

11 (1) land or water that requires restoration, in-  
12 cluding—

13 (A) land or water that is degraded; and

14 (B) land or water from which a species is  
15 currently absent, but may be colonized or re-  
16 colonized by the species or to which the species  
17 may be reintroduced or restored; and

18 (2) fragmented land or water that consists of  
19 only a portion of the habitat required for a native  
20 fish, wildlife, and plant species to maintain itself.

21 (d) PETITION FOR DESIGNATION.—The process es-  
22 tablished under subsection (a) shall include procedures  
23 under which—

24 (1) any person may submit to the appropriate  
25 Secretary a petition, along with information sup-

1       porting such petition, to designate an area under  
2       their jurisdiction as a National Wildlife Corridor;  
3       and

4               (2) such Secretary shall consider and respond  
5       to each such petition pursuant to a petition response  
6       process developed, through rulemaking, by the Sec-  
7       retary.

8       (e) DESIGNATION ON MILITARY LANDS.—

9               (1) IN GENERAL.—Any designation of a Cor-  
10       ridor on a military installation—

11               (A) must be consistent with the use of  
12       military installations and State-owned National  
13       Guard installations to ensure the preparedness  
14       of the Armed Forces; and

15               (B) must not result in a net loss in the ca-  
16       pability of installation lands to support the mili-  
17       tary mission of the installation.

18               (2) SUSPENSION OR TERMINATION OF DESIGNA-  
19       TION.—The Secretary of Defense may suspend or  
20       terminate any designation of a Corridor on a mili-  
21       tary installation if the Secretary considers such sus-  
22       pension or termination necessary for military pur-  
23       poses, after publication of—

24               (A) public notice of such suspension or ter-  
25       mination; and

1 (B) any steps taken by the department to  
2 ensure similar ecological connectivity elsewhere  
3 on the military installation.

4 (3) MILITARY INSTALLATION DEFINED.—In  
5 this subsection, the term “military installation” has  
6 the meaning that term has under section 100(1) of  
7 the Sikes Act (16 U.S.C. 670(1)).

8 (f) COORDINATION AND COOPERATION.—

9 (1) IN GENERAL.—To the maximum extent  
10 practicable and consistent with applicable law, each  
11 Secretary shall coordinate designation of National  
12 Wildlife Corridors with other relevant Federal de-  
13 partments and agencies, affected States, including  
14 State fish and wildlife agencies and other State  
15 agencies responsible for managing natural resources,  
16 tribes, local governments, private landowners, and  
17 nongovernmental organizations engaged in conserva-  
18 tion of native fish, wildlife, and plant species.

19 (2) IDENTIFICATION OF SUPPORTING NON-FED-  
20 ERAL LAND AND WATER.—In conjunction with proc-  
21 esses to designate National Wildlife Corridors, each  
22 Secretary may identify, in consultation with affected  
23 States, tribes, local governments, private landowners  
24 and nongovernmental organizations engaged in con-  
25 servation of native fish, wildlife, and plant species,

1 non-Federal lands and waters that support the pur-  
2 poses of designated National Wildlife Corridors by  
3 maintaining habitat connectivity across jurisdictional  
4 boundaries or providing other essential functions for  
5 wildlife and its habitat.

6 **SEC. 5. PROTECTION AND MANAGEMENT.**

7 (a) IN GENERAL.—The Secretary of Agriculture, the  
8 Secretary of Commerce, the Secretary of Defense, the Sec-  
9 retary of the Interior, and the Secretary of Transpor-  
10 tation, as applicable, shall, consistent with other applicable  
11 land and water management requirements, manage each  
12 National Wildlife Corridor under such Secretary’s admin-  
13 istrative jurisdiction in a manner that contributes to the  
14 long-term connectivity, persistence, resilience, and adapt-  
15 ability of native fish, wildlife, and plant species, such as  
16 by—

17 (1) preventing habitat loss, degradation, frag-  
18 mentation, and obstructions within such Corridor;

19 (2) implementing strategies and activities that  
20 enhance the ability of native fish, wildlife, and plant  
21 species to respond to climate change and other envi-  
22 ronmental factors;

23 (3) maintaining or restoring the integrity and  
24 functionality of the Corridor and associated habitat;

1           (4) mitigating or removing human-caused bar-  
2           riers to native fish, wildlife, and plant species move-  
3           ment, including, but not limited to, power lines,  
4           roads, fences, dams, bridges, culverts, and other hy-  
5           drologic obstructions; and

6           (5) using existing conservation programs under  
7           the Secretary's jurisdiction to contribute to the  
8           connectivity, persistence, resilience, and adaptability  
9           of native fish, wildlife, and plant species.

10          (b) CORRIDORS SPANNING MULTIPLE JURISDIC-  
11          TIONS.—Where a Corridor spans the administrative juris-  
12          diction of more than one Secretary, the relevant Secre-  
13          taries shall coordinate management of the Corridor such  
14          that the purposes of this Act are achieved regarding such  
15          Corridor.

16          (c) ROAD MITIGATION.—With respect to a Corridor  
17          that intersects, adjoins, or crosses a new or existing local,  
18          State, or Federal road or highway, the relevant Secretaries  
19          shall work with the Department of Transportation and  
20          State and local transportation agencies, as appropriate, to  
21          develop, implement, and fund environmental mitigation  
22          measures to—

23                 (1) improve public safety and reduce vehicle-  
24                 caused wildlife mortality while maintaining habitat  
25                 connectivity; and

1           (2) mitigate the damage to wildlife, aquatic spe-  
2           cies passage, flood resiliency, habitat, and ecosystem  
3           connectivity, such as by constructing, maintaining,  
4           or replacing wildlife underpasses and overpasses and  
5           culverts, or maintaining, replacing, or removing  
6           dams, bridges, culverts, and other hydrologic ob-  
7           structions, as appropriate, such that the purposes of  
8           this Act are achieved regarding such Corridor.

9           (d) COORDINATION.—In managing National Wildlife  
10          Corridors, each Secretary shall, to the maximum extent  
11          practicable and consistent with applicable law, coordinate  
12          on lands and waters within the System with other Federal  
13          departments and agencies, and with relevant conservation  
14          plans for native fish, plants, and wildlife and their habi-  
15          tats, including State comprehensive wildlife strategies and  
16          other State conservation strategies for species, tribal con-  
17          servation plans, local government land use and conserva-  
18          tion plans, and nongovernmental plans.

19          **SEC. 6. CONSERVATION SUPPORT.**

20          (a) WORKING LANDSCAPES.—The Secretary of Agri-  
21          culture—

22                 (1) may direct investment in working land-  
23                 scapes through conservation programs under such  
24                 Secretary’s administration and control to support  
25                 the purposes of this Act; and

1           (2) shall give priority under such conservation  
2           programs to non-Federal lands and waters identified  
3           under section 4(f) as supporting the purposes of Na-  
4           tional Wildlife Corridors.

5           (b) LAND AND WATER CONSERVATION.—The Sec-  
6           retary of Agriculture, the Secretary of Commerce, the Sec-  
7           retary of Defense, the Secretary of the Interior, and the  
8           Secretary of Transportation may each acquire land and  
9           interests in land, including permanent conservation ease-  
10          ments, from willing donors and willing sellers, to establish  
11          and enhance Corridors.

12          (c) METHOD.—Acquisitions under this section may  
13          be made—

14                (1) subject to section 200306 of title 54, United  
15                States Code, by purchase with amounts appropriated  
16                from the Land and Water Conservation Fund;

17                (2) by purchase with amounts appropriated  
18                from the Wildlife Corridors Stewardship and Protec-  
19                tion Fund; or

20                (3) by acceptance of donation of land or inter-  
21                ests in land.

22       **SEC. 7. NATIONAL NATIVE SPECIES HABITATS AND COR-**  
23       **RIDORS DATABASE.**

24           The Director of the United States Geological Survey,  
25          in cooperation with the States and Indian tribes and with

1 existing landscape- and watershed-scale partnerships, in-  
2 cluding the National Fish Habitat Partnership, the Land-  
3 scape Conservation Cooperative Network, and the Migra-  
4 tory Bird Joint Ventures, shall—

5 (1) establish a comprehensive National Native  
6 Species Habitats and Corridors Geographic Informa-  
7 tion System Database that—

8 (A) consists of a database of maps, models,  
9 data, surveys, and other information regarding  
10 native fish, wildlife, and plant species habitats  
11 and Corridors, particularly regarding species  
12 most at risk due to habitat loss, degradation,  
13 and fragmentation; and

14 (B) reflects the best scientific information  
15 available; and

16 (2) make such database available to States, In-  
17 dian tribes, Federal agencies, local decisionmakers,  
18 and the general public, for use in—

19 (A) identifying and prioritizing natural re-  
20 sources adaptation strategies and activities;

21 (B) assessing, avoiding, and minimizing  
22 the impacts of development, energy, water,  
23 transportation, and transmission projects and  
24 other activities on Corridors; and

1           (C) developing strategies to promote land-  
2           scape and aquatic connectivity necessary to  
3           allow native fish, wildlife, and plant species to  
4           move as necessary to meet biological and eco-  
5           logical needs, adjust to shifts in habitat, and  
6           adapt to climate change.

7 **SEC. 8. WILDLIFE CORRIDORS STEWARDSHIP AND PROTEC-**  
8                                   **TION FUND.**

9           (a) ESTABLISHMENT AND CONTENTS.—There is es-  
10          tablished in the Treasury of the United States a separate  
11          account to be known as the Wildlife Corridors Stewardship  
12          and Protection Fund, consisting of—

13                 (1) amounts appropriated to the Fund under  
14          this Act; and

15                 (2) donations of funds accepted under sub-  
16          section (c).

17          (b) USE.—The Fund—

18                 (1) shall be administered by the National Fish  
19          and Wildlife Foundation; and

20                 (2) may be used by such Foundation to provide  
21          financial assistance to States, local governments, the  
22          Federal Government, tribes, and private landowners  
23          for enhancing the management and the protection of  
24          designated Corridors and other lands and waters

1 identified as important to further the purposes of  
2 Corridors designated under this Act.

3 (c) DONATIONS.—The National Fish and Wildlife  
4 Foundation may accept donations of funds for deposit into  
5 the Fund.

6 (d) DISCLOSURE OF USE.—The National Fish and  
7 Wildlife Foundation shall annually make publicly available  
8 by March 1 a description of how the Fund was used dur-  
9 ing the preceding calendar year.

10 **SEC. 9. PROTECTION OF INDIAN TRIBES.**

11 (a) FEDERAL TRUST RESPONSIBILITY.—Nothing in  
12 this Act is intended to amend, alter, or give priority over  
13 the Federal trust responsibility to Indian tribes.

14 (b) EXEMPTION FROM FOIA.—

15 (1) EXEMPTION.—Information described in  
16 paragraph (2) shall not be subject to disclosure  
17 under section 552 of title 5, United States Code, if  
18 the head of the agency that receives the information,  
19 in consultation with the Secretary of the Interior  
20 and the affected Indian tribe, determines that disclo-  
21 sure may—

22 (A) cause a significant invasion of privacy;

23 (B) risk harm to human remains or re-  
24 sources, cultural items, uses, or activities; or

1 (C) impede the use of a traditional reli-  
2 gious site by practitioners.

3 (2) INFORMATION DESCRIBED.—Information  
4 referred to in paragraph (1) is information received  
5 by a Federal agency pursuant to this Act relating  
6 to—

7 (A) the location, character, or ownership of  
8 human remains of a person of Indian ancestry;  
9 or

10 (B) resources, cultural items, uses, or ac-  
11 tivities identified by an Indian tribe as tradi-  
12 tional or cultural because of the long-estab-  
13 lished significance or ceremonial nature to the  
14 Indian tribe.

15 **SEC. 10. DEFINITIONS.**

16 In this Act:

17 (1) CONNECTIVITY.—The term “connectivity”  
18 means the condition of an area that permits, with  
19 respect to individual or ecologically associated native  
20 fish, wildlife, and plant species, dispersal and genetic  
21 exchange between populations; range shifts or ex-  
22 pansion, such as in response to climate change; sea-  
23 sonal movement or migration; or succession, move-  
24 ment, or recolonization following disturbance or pop-  
25 ulation decline.

1           (2) CORRIDOR.—The term “Corridor” means  
2 any land or water designated as a National Wildlife  
3 Corridor and part of the System by statute or by a  
4 Federal agency rulemaking or management plan  
5 issuance, revision, or amendment in accordance with  
6 this Act.

7           (3) FUND.—The term “Fund” means the Wild-  
8 life Corridors Stewardship and Protection Fund es-  
9 tablished by this Act.

10          (4) SYSTEM.—The term “System” means the  
11 National Wildlife Corridors System established by  
12 this Act.

13 **SEC. 11. RELATIONSHIP TO OTHER CONSERVATION LAWS.**

14          Nothing in this Act shall be construed to amend or  
15 otherwise affect any other statute or regulation relating  
16 to conservation of fish, wildlife, or plants.

17 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

18          There is authorized to be appropriated—

19           (1) for each fiscal year for designating and ad-  
20 ministering Corridors under this Act—

21           (A) to the Secretary of the Interior,  
22           \$7,500,000;

23           (B) to the Secretary of Agriculture,  
24           \$3,000,000;

1           (C) to the Secretary of Defense,  
2           \$1,500,000;

3           (D) to the Secretary of Commerce,  
4           \$3,000,000; and

5           (E) to the Secretary of Transportation,  
6           \$3,000,000;

7           (2) to the Secretary of the Interior, \$3,000,000  
8           for the first fiscal year beginning after the date of  
9           the enactment of this Act, and \$1,500,000 for each  
10          fiscal year thereafter, to establish and maintain a  
11          comprehensive National Native Species Habitats and  
12          Corridors Geographic Information System Database  
13          under this Act; and

14          (3) to the Fund, \$3,000,000 for each fiscal year  
15          for the National Fish and Wildlife Foundation to  
16          provide assistance authorized by this Act.

○